

AFTER RECORDING RETURN TO:

04
City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

GRANTOR:

Steven C. Souder and Lynda L. Souder
4680 Sue Drive
Klamath Falls, OR 97601

GRANTEE:

City of Klamath Falls, Oregon
A Municipal Corporation
500 Klamath Avenue
Klamath Falls, OR 97601

CLERK'S STAMP:

State of Oregon, County of Klamath
Recorded 08/29/2003 10:25 a m
Vol M03 Pg 63920-21
Linda Smith, County Clerk
Fee \$ 26⁰⁰ # of Pgs 2

EASEMENT

Steven C. Souder and Lynda L. Souder, Grantor, in consideration of the sum of One Thousand and No/100 Dollars (\$1,000.00), and other good and valuable consideration, the sufficiency of which is hereby acknowledged, does hereby grant, bargain sell and convey to the City of Klamath Falls, Oregon ("City") a permanent, exclusive easement for the purpose of installing, inspecting, repairing, maintaining, altering and operating City utility lines, together with all necessary appurtenances, in, into, upon, over, across and under a strip of land described as follows ("Easement Area"):

An easement situated in the W ½, NW 1/4 of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the southwest corner of parcel 2 of Land Partition 36-98, recorded in the Klamath County Clerks office; thence South 89 degrees 40'13" East 30 feet; thence North 0 degrees 17'18" East 16 feet; thence North 89 degrees 40'13" West 30 feet; thence South 0 degrees 17'18" West 16 feet to the point of beginning; containing 480 square feet more or less and being completely contained within said Land Partition;

together with the right of ingress and egress over Grantor's adjoining lands for the purposes of utilizing this Easement.

The terms of this Easement are as follows:

1. The property of Grantor burdened by this Easement ("Property") is described as Parcel 2 of Land Partition #36-98, Tax Lot# R-3909-00700-00603-000, a more precise description of which is contained in that certain deed recorded at Volume M03, Page 00511, of Klamath County Deed Records.
2. Grantor shall not erect any buildings or structures within the Easement Area or plant trees or shrubs within the Easement Area that would inhibit access to said utility lines or cause damage to them. Grantor retains the right to utilize the Easement Area for roadways, driveways, grazing of animals and/or landscaping, except as listed in this paragraph.

3. City agrees to indemnify, defend and hold harmless Grantor from any loss, claim or liability to Grantor incidental to or arising out of City's use of the Easement Area. City assumes all risk arising out of its use of the Easement Area and Grantor shall have no liability to City or others for any condition existing thereon.
4. Upon completion of the installation of a utility line, or upon completion of City's ongoing maintenance, replacement or inspection of the utility line installed within the Easement Area, City shall restore the Easement Area and the Property to the same condition as existed prior to City's entry onto the Easement Area or the Property.
5. This Easement is subject to all prior encumbrances of record and is binding upon Grantor, all subsequent purchasers of the Property, the City, and the heirs, successors and assigns of all.

IN WITNESS WHEREOF, the parties have caused this easement to be executed on the day and year written below.

GRANTOR: STEVEN C. SOUDER

Steven C. Souder
Steven C. Souder

GRANTOR: LYNDA L. SOUDER

Lynda L. Souder
Lynda L. Souder

CITY OF KLAMATH FALLS

By [Signature]
City Manager

Attest: Shirley Kappas
Deputy Recorder

STATE OF OREGON } ss.

County of Klamath

On the 8th day of August, 2003, personally appeared Steven C. and Lynda L. Souder, and being first duly sworn, acknowledged said instrument to be their voluntary act and deed.

BEFORE ME



Shirley F. Kappas
Notary Public for Oregon
My Commission Expires: 9-10-05

STATE OF OREGON } ss.
County of Klamath

On the 10th day of August, 2003, personally appeared Jeffrey D. Ball and Shirley Kappas, who, each being first duly sworn, did say that the former is the City Manager and the latter is the Deputy Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

Nickole M. Barrington
Notary Public for Oregon
My Commission Expires: 5-8-2005

